

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 127

# HOUSE BILL 2356

AN ACT

AMENDING TITLE 41, CHAPTER 12, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1750.01; RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 12, article 3, Arizona Revised Statutes,  
3 is amended by adding section 41-1750.01, to read:

4 41-1750.01. National crime prevention and privacy compact

5 THE CONTRACTING PARTIES SOLEMNLY AGREE THAT:

6 1. THIS COMPACT ORGANIZES AN ELECTRONIC INFORMATION SHARING SYSTEM  
7 AMONG THE STATES AND THE FEDERAL GOVERNMENT TO EXCHANGE CRIMINAL HISTORY  
8 RECORDS FOR A VARIETY OF LEGALLY AUTHORIZED NONCRIMINAL JUSTICE PURPOSES,  
9 INCLUDING BACKGROUND CHECKS FOR GOVERNMENTAL LICENSING AND EMPLOYMENT.

10 2. UNDER THE COMPACT, THE FBI AND THE STATES AGREE TO MAINTAIN  
11 DETAILED DATABASES OF THEIR RESPECTIVE CRIMINAL HISTORY RECORDS, INCLUDING  
12 ARRESTS AND DISPOSITIONS, AND TO MAKE THEM AVAILABLE TO PARTY STATES FOR  
13 AUTHORIZED PURPOSES. THE FBI SHALL ALSO MANAGE THE FEDERAL DATA FACILITIES  
14 THAT PROVIDE A SIGNIFICANT PART OF THE INFRASTRUCTURE FOR THE SYSTEM.

15 ARTICLE 1

16 DEFINITIONS

17 AS USED IN THIS COMPACT:

18 1. "ADMINISTRATION OF CRIMINAL JUSTICE" INCLUDES CRIMINAL  
19 IDENTIFICATION ACTIVITIES AND THE COLLECTION, STORAGE AND DISSEMINATION OF  
20 CRIMINAL HISTORY RECORDS.

21 2. "COMPACT OFFICER" MEANS, FOR THE UNITED STATES GOVERNMENT, AN  
22 OFFICIAL WHO IS DESIGNATED BY THE DIRECTOR OF THE FBI AND, FOR A PARTY STATE,  
23 THE CHIEF ADMINISTRATOR OF THE STATE'S CRIMINAL HISTORY RECORD REPOSITORY OR  
24 A DESIGNEE WHO IS A REGULAR FULL-TIME EMPLOYEE OF THAT REPOSITORY.

25 3. "CRIMINAL HISTORY RECORD REPOSITORY" MEANS THE STATE AGENCY THAT  
26 IS DESIGNATED BY THE GOVERNOR OR OTHER APPROPRIATE EXECUTIVE OFFICIAL OR THE  
27 LEGISLATURE TO PERFORM CENTRALIZED RECORDKEEPING FUNCTIONS FOR CRIMINAL  
28 HISTORY RECORDS AND SERVICES IN THE STATE.

29 4. "CRIMINAL HISTORY RECORDS" MEANS INFORMATION THAT IS COLLECTED BY  
30 CRIMINAL JUSTICE AGENCIES ON INDIVIDUALS AND THAT CONSISTS OF IDENTIFIABLE  
31 DESCRIPTIONS AND NOTATIONS OF ARRESTS, DETENTIONS, INDICTMENTS OR OTHER  
32 FORMAL CRIMINAL CHARGES, AND ANY DISPOSITION ARISING THEREFROM, INCLUDING  
33 ACQUITTAL, SENTENCING, CORRECTIONAL SUPERVISION OR RELEASE. CRIMINAL HISTORY  
34 RECORDS DOES NOT INCLUDE IDENTIFICATION INFORMATION SUCH AS FINGERPRINT  
35 RECORDS IF THE INFORMATION DOES NOT INDICATE INVOLVEMENT OF THE INDIVIDUAL  
36 WITH THE CRIMINAL JUSTICE SYSTEM.

37 5. "CRIMINAL JUSTICE" INCLUDES DETECTION, APPREHENSION, DETENTION,  
38 PRETRIAL RELEASE, POST-TRIAL RELEASE, PROSECUTION, ADJUDICATION, CORRECTIONAL  
39 SUPERVISION OR REHABILITATION OF ACCUSED PERSONS OR CRIMINAL OFFENDERS.

40 6. "CRIMINAL JUSTICE AGENCY" MEANS THE COURTS, ANY GOVERNMENTAL AGENCY  
41 OR ANY SUBUNIT OF ANY GOVERNMENTAL AGENCY THAT PERFORMS THE ADMINISTRATION  
42 OF CRIMINAL JUSTICE PURSUANT TO A STATUTE OR EXECUTIVE ORDER AND THAT  
43 ALLOCATES A SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF  
44 CRIMINAL JUSTICE. CRIMINAL JUSTICE AGENCY INCLUDES STATE AND FEDERAL  
45 INSPECTOR GENERAL OFFICES.

1           7. "CRIMINAL JUSTICE SERVICES" MEANS SERVICES THAT ARE PROVIDED BY THE  
2 FBI TO CRIMINAL JUSTICE AGENCIES IN RESPONSE TO A REQUEST FOR INFORMATION  
3 ABOUT A PARTICULAR INDIVIDUAL OR AS AN UPDATE TO INFORMATION THAT WAS  
4 PREVIOUSLY PROVIDED FOR CRIMINAL JUSTICE PURPOSES.

5           8. "CRITERION OFFENSE" MEANS ANY FELONY OR MISDEMEANOR OFFENSE THAT  
6 IS NOT INCLUDED ON THE LIST OF NONSERIOUS OFFENSES PUBLISHED PERIODICALLY BY  
7 THE FBI.

8           9. "DIRECT ACCESS" MEANS ACCESS TO THE NATIONAL IDENTIFICATION INDEX  
9 BY COMPUTER TERMINAL OR OTHER AUTOMATED MEANS NOT REQUIRING THE ASSISTANCE  
10 OF OR INTERVENTION BY ANY OTHER PARTY OR AGENCY.

11          10. "EXECUTIVE ORDER" MEANS AN ORDER OF THE PRESIDENT OF THE UNITED  
12 STATES OR THE CHIEF EXECUTIVE OFFICIAL OF A STATE THAT HAS THE FORCE OF LAW  
13 AND THAT IS ADOPTED IN ACCORDANCE WITH APPLICABLE LAW.

14          11. "FBI" MEANS THE FEDERAL BUREAU OF INVESTIGATION.

15          12. "INTERSTATE IDENTIFICATION INDEX SYSTEM" OR "III SYSTEM" MEANS THE  
16 COOPERATIVE FEDERAL-STATE SYSTEM FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS  
17 AND INCLUDES THE NATIONAL IDENTIFICATION INDEX, THE NATIONAL FINGERPRINT FILE  
18 AND, TO THE EXTENT OF THEIR PARTICIPATION IN THE SYSTEM, THE CRIMINAL HISTORY  
19 RECORD REPOSITORIES OF THE STATES AND THE FBI.

20          13. "NATIONAL FINGERPRINT FILE" MEANS A DATABASE OF FINGERPRINTS OR  
21 OTHER UNIQUELY PERSONAL IDENTIFYING INFORMATION ABOUT AN ARRESTED OR CHARGED  
22 INDIVIDUAL THAT IS MAINTAINED BY THE FBI TO PROVIDE POSITIVE IDENTIFICATION  
23 OF RECORD SUBJECTS INDEXED IN THE III SYSTEM.

24          14. "NATIONAL IDENTIFICATION INDEX" MEANS AN INDEX THAT IS MAINTAINED  
25 BY THE FBI AND THAT CONSISTS OF NAMES, IDENTIFYING NUMBERS AND OTHER  
26 DESCRIPTIVE INFORMATION RELATING TO RECORD SUBJECTS ABOUT WHOM THERE ARE  
27 CRIMINAL HISTORY RECORDS IN THE III SYSTEM.

28          15. "NATIONAL INDICES" MEANS THE NATIONAL IDENTIFICATION INDEX AND THE  
29 NATIONAL FINGERPRINT FILE.

30          16. "NON-COMPACT OR NONPARTY STATE" MEANS A STATE THAT HAS NOT RATIFIED  
31 THE COMPACT.

32          17. "NONCRIMINAL JUSTICE PURPOSES" MEANS THE USE OF CRIMINAL HISTORY  
33 RECORDS FOR CRIME PREVENTION AND OTHER LEGITIMATE LAW ENFORCEMENT PURPOSES  
34 AUTHORIZED BY FEDERAL OR STATE LAW INCLUDING, BUT NOT LIMITED TO, EMPLOYMENT  
35 SUITABILITY OR LICENSING DETERMINATIONS, IMMIGRATION AND NATURALIZATION  
36 MATTERS AND NATIONAL SECURITY CLEARANCES.

37          18. "PARTY STATE" OR "COMPACT STATE" MEANS A STATE THAT HAS RATIFIED  
38 THE COMPACT.

39          19. "POSITIVE IDENTIFICATION" MEANS A DETERMINATION, BASED ON A  
40 COMPARISON OF FINGERPRINTS OR OTHER EQUALLY RELIABLE BIOMETRIC IDENTIFICATION  
41 TECHNIQUES, THAT THE SUBJECT OF A RECORD SEARCH IS THE SAME PERSON AS THE  
42 SUBJECT OF A CRIMINAL HISTORY RECORD OR RECORDS INDEXED IN THE III SYSTEM.

43          20. "SEALED RECORD INFORMATION" MEANS:

44           (a) FOR ADULTS, THAT PORTION OF A RECORD THAT IS NOT AVAILABLE FOR  
45 CRIMINAL JUSTICE USES, NOT SUPPORTED BY FINGERPRINTS OR OTHER ACCEPTED MEANS

1 OF POSITIVE IDENTIFICATION OR NOT SUBJECT TO RESTRICTIONS ON DISSEMINATION  
2 FOR NONCRIMINAL JUSTICE PURPOSES PURSUANT TO A COURT ORDER THAT IS RELATED  
3 TO A PARTICULAR SUBJECT OR PURSUANT TO A STATE OR FEDERAL STATUTE THAT  
4 REQUIRES ACTION ON A SEALING PETITION FILED BY A PARTICULAR RECORD SUBJECT.

5 (b) FOR JUVENILES, WHATEVER EACH STATE DETERMINES IS A SEALED RECORD  
6 UNDER ITS OWN LAW AND PROCEDURE.

7 21. "STATE" MEANS ANY STATE, TERRITORY OR POSSESSION OF THE UNITED  
8 STATES, THE DISTRICT OF COLUMBIA AND THE COMMONWEALTH OF PUERTO RICO.

9 ARTICLE II

10 PURPOSES

11 THE PURPOSES OF THIS COMPACT ARE TO:

12 1. PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF A COOPERATIVE  
13 FEDERAL-STATE SYSTEM FOR THE INTERSTATE AND FEDERAL-STATE EXCHANGE OF  
14 CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE USES.

15 2. REQUIRE THE FBI TO PERMIT USE OF THE NATIONAL IDENTIFICATION INDEX  
16 AND THE NATIONAL FINGERPRINT FILE BY PARTIES TO THIS COMPACT AND TO PROVIDE,  
17 IN A TIMELY FASHION, FEDERAL AND STATE CRIMINAL HISTORY RECORDS TO REQUESTING  
18 STATES, IN ACCORDANCE WITH THE TERMS OF THIS COMPACT AND WITH RULES,  
19 PROCEDURES AND STANDARDS THAT ARE ESTABLISHED BY THE COMPACT COUNCIL UNDER  
20 ARTICLE VI OF THIS COMPACT.

21 3. REQUIRE PARTY STATES TO PROVIDE INFORMATION AND RECORDS FOR THE  
22 NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE AND TO  
23 PROVIDE CRIMINAL HISTORY RECORDS, IN A TIMELY FASHION, TO CRIMINAL HISTORY  
24 RECORD REPOSITORIES OF OTHER STATES AND THE FEDERAL GOVERNMENT FOR  
25 NONCRIMINAL JUSTICE PURPOSES, IN ACCORDANCE WITH THE TERMS OF THIS COMPACT  
26 AND WITH RULES, PROCEDURES AND STANDARDS THAT ARE ESTABLISHED BY THE COMPACT  
27 COUNCIL UNDER ARTICLE VI OF THIS COMPACT.

28 4. PROVIDE FOR THE ESTABLISHMENT OF A COMPACT COUNCIL TO MONITOR III  
29 SYSTEM OPERATIONS AND TO PROMULGATE SYSTEM RULES AND PROCEDURES FOR THE  
30 EFFECTIVE AND PROPER OPERATION OF THE III SYSTEM FOR NONCRIMINAL JUSTICE  
31 PURPOSES.

32 5. REQUIRE COMPACT STATES TO ADHERE TO SYSTEM STANDARDS CONCERNING  
33 RECORD DISSEMINATION AND USE, RESPONSE TIMES, SYSTEM SECURITY, DATA QUALITY  
34 AND OTHER DULY ESTABLISHED STANDARDS.

35 ARTICLE III

36 RESPONSIBILITIES OF COMPACT PARTIES

37 A. THE FBI HAS THE FOLLOWING RESPONSIBILITIES:

38 1. THE FBI DIRECTOR SHALL APPOINT AN FBI COMPACT OFFICER WHO SHALL:

39 (a) HAVE RESPONSIBILITY FOR ADMINISTERING THE PROVISIONS OF THIS  
40 COMPACT WITHIN THE DEPARTMENT OF JUSTICE AND THE FEDERAL USER COMMUNITY.

41 (b) ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES AND STANDARDS  
42 THAT ARE ESTABLISHED BY THE COMPACT COUNCIL UNDER ARTICLE VI OF THIS COMPACT  
43 ARE COMPLIED WITH IN THE FEDERAL USER COMMUNITY.

1 (c) REGULATE THE USE OF RECORDS THAT ARE RECEIVED BY MEANS OF THE III  
2 SYSTEM FROM PARTY STATES WHEN SUCH RECORDS ARE SUPPLIED BY THE FBI DIRECTLY  
3 TO OTHER FEDERAL AGENCIES.

4 2. THE FBI SHALL:

5 (a) PROVIDE TO FEDERAL AGENCIES AND TO STATE CRIMINAL HISTORY RECORD  
6 REPOSITORIES CRIMINAL HISTORY RECORDS THAT ARE MAINTAINED IN ITS DATABASE FOR  
7 ANY NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV. THESE RESPONSES  
8 SHALL INCLUDE INFORMATION FROM NON-COMPACT STATES AND FROM COMPACT STATES  
9 RELATING TO RECORDS FOR WHICH SUCH STATES HAVE NOT ASSUMED RESPONSIBILITY,  
10 TO THE EXTENT THAT SUCH DATA IS MAINTAINED IN FBI RECORDS.

11 (b) PROVIDE A TELECOMMUNICATIONS NETWORK AND MAINTAIN CENTRALIZED  
12 FACILITIES FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR BOTH CRIMINAL  
13 JUSTICE AND NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV. THE FBI  
14 SHALL ENSURE THAT THE EXCHANGE OF THESE RECORDS FOR CRIMINAL JUSTICE PURPOSES  
15 HAS PRIORITY OVER THE EXCHANGE OF THESE RECORDS FOR NONCRIMINAL JUSTICE  
16 PURPOSES.

17 (c) MODIFY OR ENTER INTO USER AGREEMENTS WITH NON-COMPACT STATE  
18 CRIMINAL HISTORY RECORD REPOSITORIES TO REQUIRE THEM TO ESTABLISH RECORD  
19 REQUEST PROCEDURES THAT CONFORM TO PROCEDURES PRESCRIBED IN ARTICLE V OF THIS  
20 COMPACT.

21 B. THE STATES HAVE THE FOLLOWING RESPONSIBILITIES:

22 1. EACH PARTY STATE SHALL APPOINT A COMPACT OFFICER WHO SHALL:

23 (a) HAVE RESPONSIBILITY FOR ADMINISTERING THE PROVISIONS OF THIS  
24 COMPACT WITHIN THAT STATE.

25 (b) ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES AND STANDARDS  
26 THAT ARE ESTABLISHED BY THE COMPACT COUNCIL UNDER ARTICLE VI ARE COMPLIED  
27 WITH IN THE STATE.

28 (c) REGULATE THE IN-STATE USE OF RECORDS THAT ARE RECEIVED BY MEANS  
29 OF THE III SYSTEM FROM THE FBI OR FROM OTHER PARTY STATES.

30 2. EACH PARTY STATE'S CRIMINAL HISTORY RECORD REPOSITORY SHALL:

31 (a) PROVIDE INFORMATION AND RECORDS FOR THE NATIONAL IDENTIFICATION  
32 INDEX AND THE NATIONAL FINGERPRINT FILE.

33 (b) PROVIDE THE STATE'S III SYSTEM-INDEXED CRIMINAL HISTORY RECORDS  
34 FOR NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV.

35 3. EACH PARTY STATE SHALL:

36 (a) PARTICIPATE IN THE NATIONAL FINGERPRINT FILE.

37 (b) PROVIDE AND MAINTAIN TELECOMMUNICATIONS LINKS AND RELATED  
38 EQUIPMENT THAT IS NECESSARY TO SUPPORT THE SERVICES SET FORTH IN THIS  
39 COMPACT.

40 C. IN CARRYING OUT THEIR RESPONSIBILITIES UNDER THE COMPACT, PARTY  
41 STATES AND THE FBI SHALL COMPLY WITH SYSTEM RULES, PROCEDURES AND STANDARDS  
42 THAT ARE ESTABLISHED BY THE COMPACT COUNCIL CONCERNING RECORD DISSEMINATION  
43 AND USE, RESPONSE TIMES, DATA QUALITY, SYSTEM SECURITY AND OTHER ASPECTS OF  
44 SYSTEM OPERATION.

45 D. FOR THE PURPOSES OF THE MAINTENANCE OF RECORD SERVICES:

1. THE USE OF THE III SYSTEM FOR NONCRIMINAL JUSTICE PURPOSES AUTHORIZED IN THIS COMPACT SHALL BE MANAGED SO AS NOT TO DIMINISH THE LEVEL OF SERVICES PROVIDED IN SUPPORT OF CRIMINAL JUSTICE PURPOSES.

2. THE ADMINISTRATION OF COMPACT PROVISIONS SHALL NOT REDUCE THE LEVEL OF SERVICES AVAILABLE TO AUTHORIZED NONCRIMINAL JUSTICE USERS ON THE EFFECTIVE DATE OF THIS COMPACT.

## ARTICLE IV

## AUTHORIZED RECORD DISCLOSURES

**A. TO THE EXTENT AUTHORIZED BY THE PRIVACY ACT:**

1. ON REQUEST OF A STATE CRIMINAL HISTORY RECORD REPOSITORY, THE FBI SHALL PROVIDE CRIMINAL HISTORY RECORDS, INCLUDING ALL UNSEALED FEDERAL CRIMINAL HISTORY RECORDS RELATING TO CRITERION OFFENSES FOR RECORD SUBJECTS INDEXED IN THE III SYSTEMS, FOR ANY NONCRIMINAL JUSTICE PURPOSE THAT IS ALLOWED BY FEDERAL STATUTE OR FEDERAL EXECUTIVE ORDER OR A STATE STATUTE THAT HAS BEEN APPROVED BY THE UNITED STATES ATTORNEY GENERAL AND THAT AUTHORIZES NATIONAL INDICES CHECKS.

2. THE FBI AND STATE RECORD REPOSITORIES SHALL PROVIDE CRIMINAL HISTORY RECORDS, INCLUDING ALL UNSEALED STATE CRIMINAL HISTORY RECORD INFORMATION RELATING TO CRITERION OFFENSES FOR RECORD SUBJECTS INDEXED IN THE III SYSTEM, TO CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL AGENCIES FOR ANY NONCRIMINAL JUSTICE PURPOSES THAT ARE ALLOWED BY FEDERAL STATUTE OR FEDERAL EXECUTIVE ORDER OR A STATE STATUTE THAT HAS BEEN APPROVED BY THE UNITED STATES ATTORNEY GENERAL AND THAT AUTHORIZES NATIONAL INDICES CHECKS.

B. RECORDS OBTAINED UNDER THIS COMPACT MAY BE USED ONLY FOR THE OFFICIAL PURPOSES FOR WHICH THEY WERE REQUESTED. COMPACT OFFICERS SHALL ESTABLISH PROCEDURES AND MEASURES, CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND WITH RULES, PROCEDURES AND STANDARDS THAT ARE ESTABLISHED BY THE COMPACT COUNCIL UNDER ARTICLE VI, TO ENSURE THAT RECORDS ARE USED ONLY BY AUTHORIZED OFFICIALS FOR AUTHORIZED PURPOSES AND TO REQUIRE THAT SUBSEQUENT RECORD CHECKS ARE REQUESTED TO OBTAIN CURRENT INFORMATION WHENEVER A NEW NEED ARISES. THESE PROCEDURES MUST ENSURE THAT RECORD ENTRIES THAT MAY NOT LEGALLY BE USED FOR A PARTICULAR NONCRIMINAL JUSTICE PURPOSE WILL BE DELETED FROM THE RESPONSE AND, IF NO INFORMATION AUTHORIZED FOR RELEASE REMAINS, AN APPROPRIATE "NO RECORD" RESPONSE WILL BE COMMUNICATED TO THE REQUESTING OFFICIAL.

## ARTICLE V

## RECORD REQUEST PROCEDURES

A. APPLICANT FINGERPRINTS OR OTHER APPROVED FORMS OF POSITIVE IDENTIFICATION SHALL BE SUBMITTED WITH ALL REQUESTS FOR CRIMINAL HISTORY RECORD CHECKS FOR NONCRIMINAL JUSTICE PURPOSES.

B. REQUESTS FOR CRIMINAL HISTORY RECORD CHECKS THAT USE THE NATIONAL INDICES AND THAT ARE MADE UNDER ANY APPROVED STATE STATUTE SHALL BE SUBMITTED THROUGH THAT STATE'S CRIMINAL HISTORY RECORD REPOSITORY. A STATE CRIMINAL HISTORY RECORD REPOSITORY SHALL PROCESS INTERSTATE REQUESTS FOR NONCRIMINAL

1 JUSTICE PURPOSES THROUGH THE NATIONAL INDICES ONLY IF THE REQUESTS ARE  
2 TRANSMITTED THROUGH ANOTHER STATE CRIMINAL HISTORY RECORD REPOSITORY OR THE  
3 FBI.

4 C. REQUESTS FOR CRIMINAL HISTORY RECORD CHECKS THAT USE THE NATIONAL  
5 INDICES AND THAT ARE MADE UNDER FEDERAL AUTHORITY SHALL BE SUBMITTED THROUGH  
6 THE FBI OR, IF THE REPOSITORY CONSENTS TO PROCESS FINGERPRINT SUBMISSIONS,  
7 THROUGH THE REPOSITORY IN THE STATE IN WHICH THE REQUESTS ORIGINATED. DIRECT  
8 ACCESS TO THE NATIONAL IDENTIFICATION INDEX BY ENTITIES OTHER THAN THE FBI  
9 AND STATE CRIMINAL HISTORY RECORD REPOSITORIES SHALL NOT BE PERMITTED FOR  
10 NONCRIMINAL JUSTICE PURPOSES.

11 D. STATE CRIMINAL HISTORY RECORD REPOSITORIES AND THE FBI MAY CHARGE  
12 FEES FOR HANDLING REQUESTS THAT INVOLVE FINGERPRINT PROCESSING FOR  
13 NONCRIMINAL JUSTICE PURPOSES, EXCEPT THAT NO FEES SHALL BE CHARGED FOR  
14 PROVIDING CRIMINAL HISTORY RECORDS IN RESPONSE TO AN ELECTRONIC REQUEST FOR  
15 A RECORD THAT DOES NOT INVOLVE A REQUEST TO PROCESS FINGERPRINTS.

16 E. IF A STATE CRIMINAL HISTORY RECORD REPOSITORY CANNOT POSITIVELY  
17 IDENTIFY THE SUBJECT OF A RECORD REQUEST MADE FOR NONCRIMINAL JUSTICE  
18 PURPOSES, THE REQUEST, TOGETHER WITH FINGERPRINTS OR OTHER APPROVED  
19 IDENTIFYING INFORMATION, SHALL BE FORWARDED TO THE FBI FOR A SEARCH OF THE  
20 NATIONAL INDICES. IF THE FBI POSITIVELY IDENTIFIES THE SUBJECT AS HAVING A  
21 III SYSTEM-INDEXED RECORD OR RECORDS, THE FBI SHALL ADVISE THE STATE  
22 REPOSITORY THAT SUBMITTED THE REQUEST. THE STATE REPOSITORY SHALL THEN BE  
23 ENTITLED TO OBTAIN THE ADDITIONAL CRIMINAL HISTORY RECORD INFORMATION FROM  
24 THE FBI OR OTHER STATE REPOSITORIES.

## 25 ARTICLE VI

### 26 ESTABLISHMENT OF COMPACT COUNCIL

27 A. A COMPACT COUNCIL IS ESTABLISHED. THE COUNCIL SHALL PROMULGATE  
28 RULES AND PROCEDURES GOVERNING THE USE OF THE III SYSTEM FOR NONCRIMINAL  
29 JUSTICE PURPOSES. THE RULES AND PROCEDURES SHALL NOT CONFLICT WITH FBI  
30 ADMINISTRATION OF THE III SYSTEM FOR CRIMINAL JUSTICE PURPOSES. THE COUNCIL  
31 SHALL CONTINUE IN EXISTENCE SO LONG AS THE COMPACT REMAINS IN EFFECT. FOR  
32 ADMINISTRATIVE PURPOSES, THE COUNCIL SHALL BE LOCATED WITHIN THE FBI. THE  
33 COUNCIL SHALL BE ORGANIZED AND ITS FIRST MEETING HELD AS SOON AS PRACTICABLE  
34 AFTER THE EFFECTIVE DATE OF THIS COMPACT.

35 B. THE COUNCIL CONSISTS OF FIFTEEN MEMBERS WHO ARE APPOINTED BY THE  
36 UNITED STATES ATTORNEY GENERAL AS FOLLOWS:

37 1. NINE MEMBERS WHO SERVE TWO YEAR TERMS AND WHO ARE SELECTED FROM THE  
38 DULY DESIGNATED COMPACT OFFICERS OF PARTY STATES BASED ON THE RECOMMENDATION  
39 OF THE COMPACT OFFICERS OF ALL PARTY STATES. IN THE ABSENCE OF THE REQUISITE  
40 NUMBER OF COMPACT OFFICERS AVAILABLE TO SERVE, THE CHIEF ADMINISTRATORS OF  
41 THE CRIMINAL HISTORY RECORD REPOSITORIES OF NON-COMPACT STATES SHALL BE  
42 ELIGIBLE TO SERVE ON AN INTERIM BASIS.

43 2. TWO AT-LARGE MEMBERS WHO SERVE THREE YEAR TERMS, ONE OF WHOM  
44 REPRESENTS FEDERAL CRIMINAL JUSTICE AGENCIES AND ONE OF WHOM REPRESENTS

1 FEDERAL NONCRIMINAL JUSTICE AGENCIES, AND WHO ARE NOMINATED BY THE DIRECTOR  
2 OF THE FBI.

3 3. TWO AT-LARGE MEMBERS WHO SERVE THREE YEAR TERMS, ONE OF WHOM  
4 REPRESENTS STATE OR LOCAL CRIMINAL JUSTICE AGENCIES AND ONE OF WHOM  
5 REPRESENTS STATE OR LOCAL NONCRIMINAL JUSTICE AGENCIES, AND WHO ARE NOMINATED  
6 BY THE COMPACT COUNCIL CHAIRMAN.

7 4. ONE MEMBER WHO SERVES A THREE YEAR TERM, WHO IS SIMULTANEOUSLY A  
8 MEMBER OF THE FBI'S ADVISORY POLICY BOARD ON CRIMINAL JUSTICE INFORMATION  
9 SERVICES AND WHO IS NOMINATED BY THE MEMBERSHIP OF THIS BOARD.

10 5. ONE MEMBER WHO SERVES A THREE YEAR TERM, WHO IS SIMULTANEOUSLY AN  
11 EMPLOYEE OF THE FBI AND WHO IS NOMINATED BY THE DIRECTOR OF THE FBI.

12 C. THE CHAIRMAN OF THE COUNCIL SHALL BE A MEMBER OF AND ELECTED BY THE  
13 MEMBERS OF THE COUNCIL. THE CHAIRMAN SHALL BE A COMPACT OFFICER UNLESS THERE  
14 IS NO COMPACT OFFICER ON THE COUNCIL WHO IS WILLING TO SERVE, IN WHICH CASE  
15 THE CHAIRMAN MAY BE AN AT-LARGE MEMBER. THE CHAIRMAN SHALL SERVE A TWO-YEAR  
16 TERM AND MAY BE REELECTED TO ONLY ONE ADDITIONAL TWO-YEAR TERM.

17 D. THE COUNCIL SHALL MEET AT LEAST ONCE EACH YEAR. MEETINGS SHALL BE  
18 OPEN TO THE PUBLIC. APPROPRIATE PRIOR PUBLIC NOTICES SHALL BE PROVIDED.

19 E. THE COUNCIL SHALL HAVE AUTHORITY TO REQUEST FROM THE FBI ANY  
20 REPORTS, STUDIES, STATISTICS OR OTHER INFORMATION OR MATERIALS AS IT FINDS  
21 NECESSARY TO ENABLE IT TO PERFORM ITS DUTIES UNDER THIS COMPACT. THE FBI,  
22 TO THE EXTENT AUTHORIZED BY LAW, MAY PROVIDE SUCH ASSISTANCE OR INFORMATION.

23 F. THE CHAIRMAN MAY ESTABLISH TECHNICAL OR OTHER COMMITTEES AS  
24 NECESSARY AND MAY PRESCRIBE THEIR MEMBERSHIP, RESPONSIBILITIES AND DURATION.

25 ARTICLE VII

26 RATIFICATION OF COMPACT

27 THIS COMPACT BECOMES EFFECTIVE IMMEDIATELY ON ITS EXECUTION BY TWO OR  
28 MORE STATES AS BETWEEN THOSE STATES AND THE UNITED STATES. ON SUBSEQUENT  
29 RATIFICATION OF THE COMPACT BY ADDITIONAL STATES, IT SHALL BECOME EFFECTIVE  
30 AMONG THESE STATES AND PARTY STATES THAT HAVE PREVIOUSLY RATIFIED THE  
31 COMPACT. WHEN RATIFIED, THE COMPACT HAS THE FULL FORCE AND EFFECT OF LAW  
32 WITHIN THE RATIFYING JURISDICTIONS. THE FORM OF RATIFICATION SHALL BE IN  
33 ACCORDANCE WITH THE LAWS OF THE EXECUTING STATE.

34 ARTICLE VIII

35 MISCELLANEOUS PROVISIONS

36 A. ADMINISTRATION OF THE COMPACT SHALL NOT INTERFERE WITH THE  
37 MANAGEMENT AND CONTROL OF THE DIRECTOR OF THE FBI OVER THE FBI'S COLLECTION  
38 AND DISSEMINATION OF CRIMINAL HISTORY RECORDS AND THE ADVISORY FUNCTION OF  
39 THE FBI'S ADVISORY POLICY BOARD CHARTERED UNDER THE FEDERAL ADVISORY  
40 COMMITTEE ACT FOR ALL PURPOSES OTHER THAN NONCRIMINAL JUSTICE.

41 B. NOTHING IN THIS COMPACT REQUIRES THE FBI TO OBLIGATE OR EXPEND  
42 FUNDS BEYOND ITS APPROPRIATIONS.

43 C. NOTHING IN THIS COMPACT DIMINISHES OR LESSENS THE OBLIGATIONS,  
44 RESPONSIBILITIES AND AUTHORITIES OF ANY STATE, WHETHER A COMPACT STATE OR A  
45 NON-COMPACT STATE, OR OF ANY CRIMINAL HISTORY RECORD REPOSITORY OR OTHER



1 SUBDIVISION OR COMPONENT OF ANY CRIMINAL HISTORY RECORD REPOSITORY UNDER  
2 PUBLIC LAW 92-544 OR REGULATIONS AND GUIDELINES PROMULGATED THEREUNDER,  
3 INCLUDING THE III SYSTEM STANDARDS THAT ARE REFERRED TO IN ARTICLE III(C)  
4 REGARDING THE USE AND DISSEMINATION OF CRIMINAL HISTORY RECORDS AND  
5 INFORMATION.

6 ARTICLE IX  
7 RENUNCIATION

8 THIS COMPACT BINDS EACH PARTY STATE UNTIL RENOUNCED BY IT. RENUNCIATION  
9 OF THIS COMPACT SHALL BE EFFECTED IN THE SAME MANNER BY WHICH A STATE  
10 RATIFIED THE COMPACT. RENUNCIATION SHALL BECOME EFFECTIVE SIX MONTHS AFTER  
11 WRITTEN NOTICE OF RENUNCIATION IS PROVIDED TO ALL OTHER PARTIES.

12 ARTICLE X  
13 SEVERABILITY

14 THE PROVISIONS OF THIS COMPACT ARE SEVERABLE. IF ANY PHRASE, CLAUSE,  
15 SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE  
16 CONSTITUTION OF ANY PARTICIPATING STATE OR OF THE UNITED STATES OR IF THE  
17 APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISIONS OF THIS COMPACT  
18 TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS HELD TO BE INVALID, THE  
19 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE  
20 REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE  
21 SHALL NOT BE AFFECTED. IF A PORTION OF THIS COMPACT IS DECLARED TO BE  
22 CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THE COMPACT SHALL REMAIN IN  
23 FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND  
24 EFFECT AS TO THE AFFECTED PARTY STATE AS TO ALL OTHER PROVISIONS.

25 ARTICLE XI  
26 ADJUDICATION OF DISPUTES

27 THE COMPACT COUNCIL HAS ORIGINAL JURISDICTION CONCERNING THIS COMPACT  
28 REGARDING INTERPRETATIONS OF THE COMPACT OR RULES OR STANDARDS ESTABLISHED  
29 BY THE COMPACT COUNCIL PURSUANT TO ARTICLE V AND DISPUTES OR CONTROVERSIES  
30 BETWEEN PARTIES TO THIS COMPACT. THE COUNCIL SHALL HOLD A HEARING CONCERNING  
31 THE ABOVE AT ANY REGULARLY SCHEDULED MEETING AND SHALL ONLY RENDER A DECISION  
32 BASED ON A MAJORITY VOTE OF ITS MEMBERS. THE FBI SHALL EXERCISE IMMEDIATE  
33 AND NECESSARY ACTION TO PRESERVE THE INTEGRITY OF THE III SYSTEM, TO MAINTAIN  
34 SYSTEM POLICY AND STANDARDS AND TO PREVENT ABUSES UNTIL THE COUNCIL HOLDS A  
35 HEARING ON SUCH MATTERS. PARTIES MAY APPEAL THE DECISIONS OF THE COMPACT  
36 COUNCIL TO THE UNITED STATES ATTORNEY GENERAL AND FINALLY TO THE APPROPRIATE  
37 UNITED STATES DISTRICT COURT, WHICH SHALL HAVE ORIGINAL JURISDICTION OF ALL  
38 CASES OR CONTROVERSIES ARISING UNDER THIS COMPACT. ANY APPEAL SO ARISING  
39 THAT IS INITIATED IN A STATE COURT SHALL BE REMOVED TO THE APPROPRIATE UNITED  
40 STATES DISTRICT COURT IN THE MANNER PROVIDED BY 28 UNITED STATES CODE SECTION  
41 1446 OR OTHER STATUTORY AUTHORITY.

~~APPROVED BY THE GOVERNOR MAY 1, 2002.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2002.~~

Passed the House April 4, 20 02,

by the following vote: 41 Ayes,

14 Nays, 5 Not Voting

[Signature]  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate April 25, 20 02

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

[Signature]  
President of the Senate

Chaimin Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 20 02,

at 3:23 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 1 day of

May, 20 02,

at 3:06 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2356

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2nd day of May, 20 02,

at 4:23 o'clock P. M.

[Signature]  
Secretary of State